

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Public Services – Agriculture Department – Allegation of misappropriation of EAS funds of Mandal Parishad of Y. Ramavaram, East Godavari District – Disciplinary action initiated against Sri K. Somayajulu, the then I/c. MPDO, Y. Ramavaram and ADA(R), Rajole (Retd.) under Rule 9 of APRP Rules, 1980 – Imposed a penalty of withholding of 50% pension permanently – O.A. filed in No.6003/2011 against the punishment orders – Set-aside the punishment orders by APAT remitting back for fresh enquiry by giving reasonable opportunity to the Charged Officer etc under rule-20 of APCS (CCA) Rules, 1991 – Enquiry conducted – Report submitted – Examined -Further action dropped - Orders - Issued.

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**AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT**

**G.O.Rt.No: 581.**

**Dated:30 -10-2014.**

**Read the following:-**

1. From the C&FS, Hyd Lr.No.Vig.I(1)(1)901/901/96,Dated: 9.2.2005..
2. G.O.Rt.No.729, Agriculture and Cooperation (Vig.I) Dept., dated 16-6-2008
3. From Sri K. Somayajulu, the then I/C MPDO, Y.Ramavaram and ADA (RT) Rajole (Retd) Review petition dated 20-10-2009
4. G.O.Rt.No.1522,A&C (Vig-1) Dept, Dated:27.10.2010.
5. Judgement of Hon'ble APAT , dated; 16.04.2012.in O.A.No.6003/2011.
6. .Govt Memo.13126/Vig.I-A1/2010-5, Dated: 23-06-2012.
7. From the C&DA,Lr.No.Vig.I(1)260/2010, Dated; 2.8.2012.
8. From the C&DA,Lr.No.Vig.I(1)260/2010, Dated; 18.02.2013 along with the I.O /JDA ,Kakinada, Inquiry. Report Rc.No.A1/4610/2006, dated:06.04.2013
9. From the C&DA,Lr.No.Vig.I(1)260/2010, Dated; 12.08.2013 and 12-4-2014.

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**ORDER:**

It has been brought to the notice of the Government by the Commissioner & Director of Agriculture, A.P. Hyderabad. in the ref. 1<sup>st</sup> read above that Sri K.Somayajulu, Assistant Director of Agriculture (Retd) while working as Agriculture Officer and I/c Mandal Parishad Development Officer, Y.Ramavaram., East Godavari district. had committed certain irregularities involving misappropriation of amount to a tune of Rs.24,59,099/- of Employment Assurance Scheme (EAS) Fund. The Commissioner & Director of Agriculture, Hyderabad was initiated a disciplinary action against him under Rule 20 of Andhra Pradesh Civil Service (CC&A) Rules, 1991 by framing 3 article of charges against him. The Charged Officer has submitted his written statement of defense dated 23-11-1999 denied all the charges framed against him. The Commissioner & Director of Agriculture, A.P. Hyderabad, after examining his statement of defense, appointed the Joint Director of Agriculture, Kakinada as Inquiry Officer to inquire into the charges. The Inquiry Officer conducted the inquiry into the charges and submitted his inquiry report stating that the Charge No. I is held proved and Charge No. II & III are not proved.

2. In the G.O.2<sup>nd</sup> read above, Government after careful examination of the matter and after following due procedure imposed the penalty of withholding of 50% pension permanently against Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and ADA (R), Rajole (Retired), East Godhavari District. Further, the appeal / Review petition filed by the Charged Officer in the ref.3<sup>rd</sup> read above was also rejected in the G.O. 4<sup>th</sup> read above.

3. Aggrieved with the orders of the Govt in the ref. 2<sup>nd</sup> and 4<sup>th</sup> read above, the individual has filed O.A. No.6003/2011 before the Hon'ble APAT for redressal, accordingly counter has been filed in the case. The Hon'ble A.P.

(P.T.O)

Administrative Tribunal in its order dt. 16-4-2012 in O.A.No. 6003 of 2011 has observed that the respondents ought to have verified the facts. Therefore, have no hesitation to hold that the enquiry was conducted in violation of the principles of natural justice and enquiry is incomplete. Therefore, the impugned orders based on such enquiry report are bad in law. Hence, the impugned orders are set aside and the matter was remitted back to the respondents to conduct a fresh enquiry as per Rule 20 of APCS (CC&A) Rules, 1991 and provide adequate opportunity to the applicant to cross examine the witnesses and allowed the O.A in the reference 5<sup>th</sup> read above. .

4. In the ref. 6<sup>th</sup> read above, the Government after careful examination of the matter and directed the Commissioner & Director of Agriculture, A.P. Hyderabad. to appoint the Joint Director of Agriculture, Kakinada as Inquiry Officer to conduct a fresh enquiry into the charges framed against the Charged Officer as per Rule 20 of APCS (CC&A) Rules, 1991 and provide adequate opportunity to Sri K.Somayajulu, ADA (Retd) to cross examine the witness, as pointed out by the Hon'ble Tribunal and to submit inquiry report to Govt. and also appoint the EE, Panchyat Raj Dept., Kakinada, East Godavari District as Presenting Officer to present the case before the Inquiry Authority. Accordingly, the Commissioner & Director of Agriculture, A.P. Hyderabad. was appointed JDA, Kakinada as Inquiry Officer and E.E. PR Dept. Kakinada as Presenting Officer for conducting enquiry.

5. In the ref. 8<sup>th</sup> read above the Inquiry Officer submitted his report through the Commissioner & Director of Agriculture, A.P. Hyderabad, reporting that after examining the w.s.d. of the Charged Officer and defense witnesses, that the charges framed against Sri K.Somayajulu, AO are not held proved are as follows:-.

Charge I: That Sri K.Somayajulu, AO while working as I/c MPDO, Y. Ramavaram Mandal, E.G. District has not been accounted Rs. 24,59,099/- balance against total amount of Rs. 44,45,000/- which was released during 3/94 to 7/95 for execution of E.A.S. works in Y. Ramavaram Mandal nor remitted back to the PD,DRDA/ PO, ITDA, and caused loss to Govt. Money. Thus he has violated rule 3 of the APCS (CC&A) Rules, 1964.

**Analysis and assessment of evidence and findings of the Inquiry Officer:**

The E.E.(PR) Kakinada who was appointed as PO pointed out that an amount of Rs. 44,45,000/- was released to MDO, Y.Ramavaram for execution of EAS works and assessed the value of works as Rs.19,85,901/- only. The P.O., has instructed the Mandal Engineering Officer, Y. Ramavaram inspect the works and to report the status of the works executed by the then MPDO, Sri K.Somayajulu and the then MEO. The MEO, Y. Ramavaram has inspected all the 28+3 works physically and evaluated the works and submitted the report to the EE (PR), Kakinada who is the P.O., In his report 28+3 works were executed as per the estimations, but not only 19 works as stated by the Superintendent Engineer (PR& RD) Kakinada who is the preliminary enquiry officer. The Mandal Engineering Officer, Y. Ramavaram has given the above facts in his statement and witness.

The then MEO, Sri M.Ch. Subba Rao, also gave his witness and defence statement in the inquiry. Stating that all the 28+3 works were administratively and technically sanctioned and executed departmentally as per the rules and recorded in the M.Book. The payments were made as per the M.Book. As all the 28+3 works which were estimated and sanctioned were executed and payment was made as per guidelines there is no misappropriation of funds by Sri K.Somayajulu MPDO I/c Y.Ramavaram, Charged Officer.

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**Findings:** As could be seen from the preliminary enquiry report of the SE (PR), he has inspected 19 works only out of 28+3 buildings and gave his report accordingly without giving opportunity to the Charged Officer. The then MEO, Sri M.Ch.Subbarao has adduced evidence during the course of Inquiry that the then enquiry officer has inspected only 19 works without any intimation and he prepared the above enquiry report. The present MEO, Sri B.Satyanarayan also adduced evidence during the course of inquiry the works which were executed by the Charged Officer are in existence and can be evaluated. He further stated that during the course of his cross examination he said to have been as per the rates of SSR the values executed more than the execution value and he submitted a detailed inspection report is marked as exhibit E1 by conducting physical verification along with Charged Officer under the instructions of the Presenting Officer and the Charged Officer gave a breakup of total expenditure incurred to an amount of Rs. 44,32,822/- as per his defence and he further stated that such amounts were paid after joint certification by the engineering staff only. More so, as per the oral instructions of the Collector & Project Officer, ITDA, R.Chodavaram the buildings were constructed by the Charged Officer. In as much as at least no officer could verify the said facts objections raised by Charged Officer, in his written defence which were submitted on 15-7-1999. Where in criminal case was acquitted by the Hon'ble JFCM and no appeal was preferred against the said judgment of criminal court. The P.O, unable to prove their contentions. The exhibits E1 clearly proves the contentions of Charged Officer. In view of the above, the Inquiry Officer has opined that the Charged Officer has not committed any irregularities and held the charge I against Sri K.Somayajulu as not proved.

**Charge No. II:** that Sri K.Somayajulu, AO & I/C MPDO, Y.Ramavaram has committed lapses regarding utilization of fertilizer stocks, distribution of groundnut mini kits and selection of candidates for the tailoring centre sponsored under TRYSEM and entrustment of works done in benami names. Thus he has violated the rule 3 of APCS (CC&A) Rules, 1964.

**Analysis and assessment of evidence and findings of the Inquiry Officer: -**

The Charged Officer explained the facts regarding charge II properly that it has happened as per the norms only.

**Findings:** The allegations leveled against the Charged Officer in this regard are far from truth and baseless because the said scheme was implemented as per norms under the Chairmanship of APD, DRDA, LDM and MDO are members. The P.O., is unable to prove his contention in this regard. The Inquiry Officer has opined that the Charged Officer has not committed any irregularities in Charge II and held that the charge II as not proved.

**Charge III:** That Sri K.Somayajulu, AO & I/C MPDO, Y.Ramavaram has committed certain irregularities and adverse remarks received against him from the workers during the investigation of Sub-Collector, Kakinada like (1) non receipt of payment for works done (2) use of harsh and abuse language. The he has violated the Rule 3 of APCS (CC&A) Rules, 1964.

**Analysis and assessment of evidence and findings of the Inquiry Officer:**

The Charged Officer explained the facts regarding charge III properly that it has happened as per the norms only.

**Findings:** The allegations leveled against the Charged Officer in this regard are baseless. No witness was examined by the then inquiry officer in this regard. At present no witness had come forward during the course of inquiry to adduce evidence against the Charged Officer in this regard and the Presenting Officer has also failed to prove his contention. The Inquiry Officer opined and held that the Charged Officer has not committed any irregularities as stated in Charge No. III and held that the article of charge III framed against the Charged Officer as not proved.

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6. The Government have examined the Inquiry Officer's report with ref to the records available along with views / clarifications submitted by the Commissioner & Director of Agriculture, A.P. Hyderabad. thereon in the ref. 9<sup>th</sup> read above have accepted the findings of the Inquiry Authority and decided to drop further action against the Charged officer.

7. Accordingly, the Government hereby withdraw the orders issued in the G.O.2<sup>nd</sup> read above in terms of A.P.A.T. orders in the 5<sup>th</sup> read above and drop further action in the matter against Sri K. Somayajulu, the then A.O. & I/c MPDO, Y. Ramavaram and retired as ADA Razol, East Godavari Dist. on the charges framed against him in the case.

8. The Commissioner and Director of Agriculture, A.P., Hyderabad shall take further action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**ANIL CHANDRA PUNETHA  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and Assistant Director of Agriculture (R), Rajole (Now Retired) (through C&DA., A.P., Hyderabad).

**Copy to:**

The Commissioner & Director of Agriculture, Hyderabad.

The Secretary to V.C., A.P.V.C., Hyderabad.

The P.R. & R.D. (Vig.II) Department.

Sf/SC.

//FORWARDED BY ORDER//

SECTION OFFICER